

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. George Wesley Tyson, III

Docket No. 4:18-CR-17-1D

Petition for Action on Supervised Release

COMES NOW Shawn M. Lyon, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of George Wesley Tyson III, who, upon an earlier plea of guilty to Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1) and 18 U.S.C. § 924(a)(2), was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on June 9, 2020, to the custody of the Bureau of Prisons for a term of 48 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months. On January 5, 2021, this case was reassigned to the Honorable James C. Dever III.

Tyson was released from custody on December 5, 2020, at which time the term of supervised release commenced. On January 6, 2021 a Violation Report was submitted due to the defendant testing positive for marijuana. The defendant was verbally reprimanded, counseled about his actions, cognitive intervention skills were used, and Tyson was referred for a substance abuse assessment. The court agreed to continue supervision.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On January 24, 2021, the undersigned officer scheduled a home contact with the defendant for the purpose of obtaining a urinalysis screening; however, the defendant advised that he was experiencing COVID related symptoms. On January 26, 2021, the defendant informed this officer that he had been to the hospital and tested positive for COVID. Investigation revealed that the defendant did not have the virus, and he fabricated these events in order to avoid taking a drug screen. During an office visit on January 29, 2021, Tyson admitted to using Percocet and ecstasy, and he signed an admission of drug use form. Additionally, on/about January 25, 2021, the defendant was stopped by officers with the Greenville Police Department, and he failed to notify the probation officer within 72 hours as required. No charges were obtained. The defendant was also referred for a substance abuse assessment, and he has failed to contact the treatment agency as instructed. As a sanction for these violations and to address mental health issues, we are respectfully recommended that he be placed on home detention for a period of 90 days and attend mental health treatment as instructed. The defendant signed a Waiver of Hearing agreeing to the proposed modifications of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period of 90 days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer.
2. The defendant shall participate in a program of mental health treatment, as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dewayne L. Smith

Dewayne L. Smith
Supervising U.S. Probation Officer

/s/ Shawn M. Lyon

Shawn M. Lyon
U.S. Probation Officer
150 Reade Circle
Greenville, NC 27858-1137
Phone: 252-830-2337
Executed On: February 2, 2021

ORDER OF THE COURT

Considered and ordered this 1 day of February, 2021, and ordered filed and made a part of the records in the above case.

J. Dever
James C. Dever III
U.S. District Judge